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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	STATE OF CALIFORNIA
11	In the Matter of the Statement of Issues Case No. 2011-937
12	Against: SARAH KATHRYN CHRISTOPHER STATEMENT OF ISSUES
13	18038 W. Anne's Circle, Apt. 203 Canyon Country, CA 91387
14	Respondent.
15	Respondent.
16	Complainant alleges:
17	PARTIES
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
19	her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20	Consumer Affairs.
21	2. On or about January 25, 2010 the Board of Registered Nursing (Board) received an
22	application for Registered Nurse Licensure by Endorsement from Sarah Kathryn Christopher
23	(Respondent). On or about January 22, 2010, Respondent certified under penalty of perjury to the
24	truthfulness of all statements, answers, and representations in the application. The Board denied
25	the application on October 25, 2010.
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JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 480 of the Code states, in pertinent part:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
- "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- "(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- "(3) (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made."
- 6. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed acts constituting grounds for denial of licensure under section 480 of the Code.
 - 7. Section 2761 of the Code states, in pertinent part:
- "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of Substantially Related Crime)

9. Respondent's application is subject to denial under sections 480, subdivision (a)(1), and 2761, subdivision (f), in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a Registered Nurse. On or about September 27, 2010, Respondent was convicted, upon a plea of nolo contendere, of one misdemeanor count of violating Penal Code section 484, subdivision (a) (petty theft), in the criminal proceeding entitled *The State of California v. Sarah Kathryn Christopher* (Super Ct. Los Angeles County, 2010, No. 70NW01397). The Court sentenced Respondent to one day in jail, placed her on probation for three years, and ordered her to pay \$607.00 in fines and restitution. The circumstances of the conviction are that on or about February 28, 2010, Respondent entered Sport Chalet during normal business hours, selected four Nike brand women's shirts totaling \$130.00, and exited the store without paying for them. Respondent admitted to Los Angeles County Sheriff's deputies that she had money to purchase the shirts, but that she decided on "an impulse" to steal them instead.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Dishonest Acts, Fraud, or Deceit)

10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in that Respondent committed petty theft, which is an act involving dishonesty, fraud, or deceit. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 9, as though set forth fully.

THIRD CAUSE FOR DENIAL OF APPLICATION

(Acts Warranting Denial of Licensure)

11. Respondent's application is subject to denial under section 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a licentiate of the business and profession in question, would be grounds for suspension or revocation of her license.

Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Denying the application of Sarah Kathryn Christopher for a Registered Nurse License by Endorsement; and
 - 2. Taking such other and further action as deemed necessary and proper.

DATED: 5-24-11 Forms R. Bail

LOUISE R. BAILEY, M.ED., RESERVITIVE Officer

Board of Registered Nursing Department of Consumer Affairs

State of California Complainant

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